

Russek.

Absent.

Cousins.	Pollard.
Gainer.	Small.
Holbrook.	Stevenson.
Hyer.	Thomason.
Love.	Westbrook.
Martin.	Williamson.
McFarlane.	Wirtz.
Moore.	Witt.
Parr.	Woodul.
Patton.	Woodward.

On motion of Senator Parrish the senate adjourned until 10 o'clock Monday, July 8, 1929.

### THIRD DAY.

Senate Chamber,  
Austin, Texas,  
Monday, July 8, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Miller.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

### Absent—Excused.

Martin.	Patton.
Moore.	Thomason.
Parr.	Wirtz.

Prayer by the Rev. Mr. Forbes.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

### Petitions and Memorials

(See Appendix)

### Committee Reports

(See Appendix)

### Bills and Resolutions

By Senator Pollard:

S. B. No. 1, A bill to be entitled

"An Act making an appropriation of One Hundred Thousand Dollars, or so much thereof as may be necessary, out of the general revenue, to pay the per diem and mileage of members, the per diem of officers and employees, and the contingent expenses of the Third Called Session of the Forty-first Legislature of the State of Texas convened on the 3rd day of July, 1929, by proclamation of the Governor; etc., and declaring an emergency."

Read first time and referred to Committee on Finance

By Senator Pollard:

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two year period beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 3, A bill to be entitled "An Act appropriating Two Million Seven Hundred Fifty Thousand Dollars per year or so much thereof as may be necessary for the next two fiscal years for the purpose of promoting the public school interest of rural schools; etc., and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 4, A bill to be entitled "An Act making appropriation for the support and maintenance of the State Government for the two fiscal years beginning September 1, 1929, and ending August 31, 1931, etc., and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 5, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them for the two fiscal years, beginning September 1, 1929, and ending August 31, 1931; etc., and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 6, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them; etc., and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Love:

S. B. No. 7, A bill to be entitled "An Act to grant aid to indigent and indigent and disabled Confederate soldiers and sailors, and to their widows, as authorized under the provisions of Section 51, Article 3 of the Constitution of Texas, and making appropriation for such purpose, and declaring an emergency."

Read first time and referred to Committee on Finance.

#### Senators Excused.

On motion of Senator Hardin, Senator Moore was excused for the week on account of important business.

On motion of Senator Russek, Senator Wirtz was excused for the day on account of important business.

On motion of Senator Cousins, Senator Thomason was excused for the day on account of important business.

On motion of Senator Beck, Senator Patton was excused for the week on account of serious illness in his family.

On motion of Senator Stevenson, Senator Martin was excused for the day on account of important business.

On motion of Senator Hornsby, Senator Parr was excused for the day on account of important business.

#### Chaplain Elected.

On motion of Senator Hardin, Rev. Randolph Clark was elected Chaplain of the Senate to succeed Rev. W. H. Doss, who was forced to resign on account of illness in his family.

#### Communication from Attorney General.

The Chair laid before the Senate the following communication from the Attorney General:

Austin, Texas, July 3, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives, Capitol.

Hon. Barry Miller, President of the Senate, Capitol.

Dear Messrs. Speaker and President:

The Attorney General desires to call your attention to the fact that he is very doubtful as to the constitutionality of Article 7085, Revised Civil Statutes of Texas, which imposes a franchise tax on foreign corporations based on the authorized capital stock.

The Supreme Court of the United States, in *Cudahy Packing Company v. Hinkle*, 73 Lawyers' Edition, 269, some months ago held the Statutes of Washington invalid which imposed a license fee on the authorized capital stock of foreign corporations, and said statute is almost identical with that of Texas.

The Ford Motor Company, and several of the large corporations now doing business in Texas, are threatening to attack the validity of our statute imposing such taxes, and if such statute is held unconstitutional it will deprive the State of Texas of approximately five hundred thousand dollars annual income, and will result in working a rank discrimination in favor of foreign corporations against domestic corporations, and we wish to respectfully call to your attention the probable invalidity of the Statute and our inability to defend its constitutionality in the courts, and beseech you to pass legislation remedying the objectionable and obnoxious provisions of Article 7085.

This matter has been heretofore called to attention of the Governor on May 2nd, and he accordingly was instrumental in having a bill introduced remedying the objectionable parts, and also imposing a tax which would have operated uniformly and equally on all corporations, but the bill died on the calendar.

We believe it our duty to call to your attention the decision above and its probable effect on our statutes, and tender our services in preparing a bill to cure the probable defects.

Very truly yours,  
RICE M. TILLEY,  
Assistant Attorney General.

Approved by Claude Pollard, Attorney General.

The communication was read and referred to the Committee on Civil Jurisprudence.

#### Committee Appointed.

The Chair appointed Senators, Hyer, Hornsby, and Small to notify the House that the Senate was ready for business.

#### Committee Reports.

The Committee appointed to notify the House that the Senate was ready for business appeared at the bar of the Senate and Senator Hyer announced that the House reported that it lacked a quorum as yet.

#### Pages Appointed.

The Chair announced the appointment of the following additional pages:

Billie Renfro, Jack Cowley.

#### At Ease.

Senator Hyer moved that the Senate stand at ease subject to the call of the Chair. The motion prevailed.

#### Recess.

On motion of Senator Hyer, the Senate, at 11:15 o'clock a. m., recessed until 2:00 o'clock p. m.

#### After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Barry Miller.

#### Committee from the House.

A Committee from the House, composed of five ministers, appeared at the bar of the Senate and Rev. Forbes announced that the House was organized and ready for business.

#### Senate Bill No. 1.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Pollard:

S. B. No. 1, A bill to be entitled "An Act making appropriation of One Hundred Thousand Dollars, or so much thereof as may be necessary, out of the general revenue, to pay the per diem and mileage of members, the per diem of officers and

employees, and the contingent expenses of the Third Called Session of the Forty-first Legislature of the State of Texas convened on the 3rd day of July, 1929, by proclamation of the Governor; etc., and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a two-thirds vote.

The Committee report was adopted.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its second reading by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Absent—Excused.

Martin.	Patton.
Moore.	Thomason.
Parr.	Wirtz.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 1 was put on its third reading and final passage, by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Witt.
Hardin.	Stevenson.
Holbrook.	Woodul.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Woodward.
McFarlane.	

**Absent—Excused.**

Martin.	Patton.
Moore.	Thomason.
Parr.	Wirtz.

The bill was read third time and finally passed by the following vote:

Yeas—25.

Beck.	Miller.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

**Absent—Excused.**

Martin.	Patton.
Moore.	Thomason.
Parr.	Wirtz.

**Appointment Announced.**

The Chair announced the appointment of Jack Ammann as night elevator operator.

**Simple Resolution No. 1.**

Senator Hornsby sent up the following resolution:

Whereas, Hon. Mark L. Goodwin, The Dallas News' Washington correspondent is now in the bar of Senate, therefore be it

Resolved, That he be invited to address the Senate at this time.

**HORNSBY.**

The resolution was read and adopted.

The Chair appointed Senators Hornsby, DeBerry, and Holbrook to escort Mr. Goodwin to the platform.

**Mr. Goodwin Speaks.**

The Chair introduced Mr. Goodwin who briefly addressed the Senate.

**At Ease.**

On motion of Senator McFarlane, the Senate stood at ease subject to the call of the Chair.

**Caucus Report.**

Senator Hyer sent up the following caucus report:

Austin, Texas, July 8, 1929.

Hon. Barry Miller, President of the Senate,

Austin, Texas.

Sir: We, the Senate Caucus, at which a quorum was present, duly considered the list of Senate Officers and Employees and respectfully recommend the election of the following officers and employees of the Senate:

Secretary of Finance Committee, D. Lux,

Assistant Secretary to Finance Committee, E. C. Stovall,

Secretary of the Senate, Bob Barker,

Assistant Secretary of the Senate, Morris Hankins,

Journal Clerk, Wendell O'Neal, Assistant Journal Clerk, Mrs. Hugh Harris,

Sergeant At Arms, Capt. A. W. Holt,

First Assistant Sergeant At Arms, Hugh Marshall,

Second Assistant Sergeant At Arms, Tom McClenden,

Third Assistant Sergeant At Arms, J. C. Adran,

Fourth Assistant Sergeant At Arms, Sam Russell,

Fifth Assistant Sergeant At Arms, Boyd Rhea,

Sixth Assistant Sergeant At Arms, W. P. Midkiff,

Custodian of Supplies, Lee McDougall,

Calendar Clerk, W. V. Howerton, Assistant Calendar Clerk, Mrs. Grace Jennings,

Assistant Calendar Clerk, Miss Juanita Wills,

Mailing Clerk, Mrs. Ann Polglass, First Assistant Mailing Clerk, Mrs. Lila Roberts,

Second Assistant Mailing Clerk, Mrs. Estelle R. Gardner,

Third Assistant Mailing Clerk, W. A. Harper,

Fourth Assistant Mailing Clerk, Miss Irene Rose,

Fifth Assistant Mailing Clerk, Miss Adline Neighbors,

Sixth Assistant Mailing Clerk, Mrs. Lola Glass,

Librarian, Miss Theodosia Bell, Post Mistress, Mrs. F. E. Sewell,

Chaplain, Rev. W. H. Doss, (Excused for Session—without pay),

Telephone Operator, Miss Mary Jacobs,

Doorkeeper, Warren Freund,

First Assistant Doorkeeper, Everett Boyd,

Second Assistant Doorkeeper, Granville Knight,

Third Assistant Doorkeeper, A. P. Bagby,

One Messenger, Sam Tigner,

One Messenger, A. W. Mitchell,

Custodian of the Senate, C. K. Walters,

Chief Engrossing and Enrolling Clerk, Carl Boes,

Carbon Clerk and Messenger, G. C. Sellers,

One Proof Reader, Fred Korth,

Second Proof Reader, Mrs. M. Stone,

Third Proof Reader, Walter C. Doughty,

Typists, Mrs. J. W. Pierce, Mrs. Cora Carver, Miss Alma Joe Roberts, Miss Julia May Richie, Miss Gladys Ash, Miss Maxine Collins, Miss Pauline Smith, Miss Allene Powers, J. C. Swinburn.

Sixteen pages (to be selected by Lieutenant Governor; eighteen already named to hold this Session).

Six porters (to be selected by Lieutenant Governor).

Night elevator operator (to be selected by Lieutenant Governor).

Sunday elevator operator (to be selected by Lieutenant Governor).

The Caucus recommends that the employees not mentioned herein but adopted in the Caucus report of July 3rd, 1929, be paid a full week's salary dating from July 3rd, 1929 and that their services be dispensed with.

We recommend that all employees named receive the salary heretofore paid the employees so designated.

The Caucus further recommends that a Committee on the Senate Employees composed of Senator McFarlane, Chairman, Hardin and Hyer be named, to which shall be referred all questions of changing of employees from one department to another, substitutions of employees, replacement of employees, and said Committee shall have jurisdiction over the employing and discharging and substitution of all Senate employees, and subject to the approval of the Senate.

POLLARD, Chairman.

HARDIN, Secretary.

The report was read and adopted.

#### Adjournment.

On motion of Senator Witt, the

Senate, at 5:20 o'clock p. m., adjourned until 10:00 o'clock Tuesday morning.

#### APPENDIX.

##### Petitions and Memorials.

Ballinger, Texas, July 3, 1929.

Lieutenant Governor, Barry Miller, Austin, Texas.

My dear Governor:

I see from papers this morning you are to have another extra session. I am very sorry I cannot be with you. You were so uniformly courteous to me that it was a great pleasure to serve with you. There are good reasons why I cannot be in Austin this summer.

It would be a joy to me if I could serve the Senate at some future time. Thanking you again for all your courtesy and kindness to me and wishing you success in all your undertakings, I am

Very truly yours,

W. H. DOSS.

(Telegram.)

Ranger, Texas, July 8, 1929.

Senator Carl Hardin,  
Senate Chamber,  
Austin, Texas.

Express to the Senate my deep gratitude for the honor conferred upon me together with my regrets that circumstances will not permit me to join you at this time.

RANDOLPH CLARK.

##### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, July 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 1 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

##### Committee Reports.

Committee Room,

Austin, Texas, July 3, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 1, A bill to be entitled "An Act making an appropriation of

the sum of One Hundred Thousand Dollars (\$100,000.00), or so much thereof as may be necessary, out of the general revenue, to pay the per diem and mileage of members, the per diem of officers and employees and the contingent expenses of the Third Called Session of the Forty-first Legislature of the State of Texas convened on the 3rd day of July, 1929, by proclamation of the Governor; to supplement the like appropriation of the Second Called Session of said Legislature; to pay any unpaid vouchers or warrants held by members, officers or employees of the Second Called Session of said Legislature; to pay any unpaid claims and accounts of members, officers or employees of said session or of other persons, authorized either by the Senate or the House of Representatives; to pay any and all sums for whatever purpose authorized to be expended by concurrent resolution of the Forty-first Legislature at its Second Called Session; to pay the per diem of members, officers or employees for pre-session and post-session work of the Second Called Session of said Forty-first Legislature; providing how accounts may be approved and audited, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, July 3, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two year period beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, July 3, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 5, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State, and other expenses of maintaining and conducting them for the two fiscal years, beginning September 1, 1929, and ending August 31, 1931, as follows, to-wit: Abilene State Hospital; Austin State School; Austin State Hospital; Confederate Home; Confederate Woman's Home; Deaf, Dumb and Blind Institute for Colored Youths; Girls Training School; Home for Dependent and Neglected Children; State Hospital for Crippled and Deformed Children at Galveston; State Juvenile Training School; State Orphans Home; Rusk State Hospital; San Antonio State Hospital; State Psychopathic Hospital; Terrell State Hospital; State Tuberculosis Sanatorium; Wichita Falls State Hospital; Alabama and Caushati Indians in Polk County, Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, July 8, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 6, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The Agricultural and Mechanical College of Texas, State Experimental Stations; The North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View State Normal and Industrial College; The University of Texas, including the Medical Branch at Galveston and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technological College; East Texas State Teachers College at Commerce;

North Texas State Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College at Nacogdoches; The Texas College of Arts and Industries at Kingsville; Southwest Texas State Teachers College at San Marcos, Sul Ross State Teachers College at Alpine; West Texas State Teachers College at Canyon; Texas School for the Blind and Texas School for the Deaf; for years beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

#### FOURTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, July 9, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Miller.
Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodward.
McFarlane.	

#### Absent—Excused.

Martin.	Patton.
Moore.	Thomason.
Parr.	Woodul.

Prayer by the Rev. Mr. Forbes.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Greer:

S. B. No. 8, A bill to be entitled "An Act making an appropriation for the erection of a monument in memory of John W. McFarlane, deceased; providing for the erection of said monument; and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Woodward:

S. B. No. 9, A bill to be entitled "An Act amending Article 7043 of the Revised Civil Statutes of the State of Texas of 1925 relating to the powers and duties of the State Tax Board in respect to calculating the ad valorem rate of taxes for State purposes each year, prescribing the duties of such Board, the duties of Tax Assessors and providing methods by which the tax rate is fixed in respect to public free school purposes and providing that said Board shall fix a rate that will yield and produce for such fiscal years an amount not exceeding sixteen dollars per capita for all children within the scholastic age, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator McFarlane:

S. B. No. 11, A bill to be entitled "An Act making appropriation for the establishment and maintenance of a cotton fibre laboratory under the supervision of A & M College, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Pollard:

S. B. No. 10, A bill to be entitled "An Act making appropriations out of the State Highway funds to pay claims of certain persons, firms and corporations for money erroneously paid to the State Highway Fund for license fees on seating capacity of Motor vehicles as provided for by Article 820 of the Penal Code of Texas and Chapter 175 of the Acts of the regular session of the 38th Legislature, and declaring an emergency."